FILED

APR 01 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Daniel PATRON-Castillo Defendant.	Magistrate Case No.: '08 MJ 8274 COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

On or about March 29, 2008, within the Southern District of California, defendant Daniel PATRON-Castillo did knowingly and intentionally import approximately 18.78 kilograms (41.36 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 1st DAY OF APRIL, 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Daniel PATRON-Castillo

STATEMENT OF PROBABLE CAUSE

I, Special Agent Victor Esparza, declare under penalty of perjury that the following statement of probable cause is true to the best of my knowledge.

On March 29, 2008, at approximately 1440 hours, Daniel PATRON-Castillo applied for admission into the United States from Mexico, at the Calexico, California, West Port of Entry. PATRON was the driver and presented his border crossing card to Customs and Border Protection Officer Luisa Rodriguez. PATRON stated that he was going to the Phoenix, Arizona area and was going to return tomorrow. PATRON stated that he only had fish to declare. The CBP Officer noticed that PATRON avoided eye contact and was staring straight ahead. When PATRON presented his I-94 permit to the CBP Officer, his hands were visibly shaking. At this point the CBP Officer referred PATRON and the vehicle to secondary for further inspection.

In vehicle secondary a Canine Enforcement Officer was not available. CBP Officer David Morris inspected the vehicle and noticed a painted metal plate underneath the rear cargo area of the vehicle that PATRON was driving. After further examination an access panel was removed and several brown wrapped packages were observed inside a hidden compartment.

At this point PATRON was escorted to the secondary office and placed in a holding cell. Further inspection revealed a total of thirty-four (34) packages that were concealed inside a specially built floor compartment in the rear area of the vehicle. CBP Officer Morris probed one of the packages and a sample of a green leafy substance was extracted, that field-tested positive for marijuana. The (34) packages had a combined net weight of approximately 18.78 kilograms of marijuana or (41.36 pounds).

PATRON was arrested for importation of marijuana into the United States. PATRON was advised of his rights per Miranda, which he acknowledged and waived. PATRON stated to Special Agent Victor Esparza that he purchased the marijuana in San Felipe, Mexico from a fisherman for 2,000 pesos a kilo. PATRON stated that he had it concealed in his vehicle and was going to take it to the Phoenix area to sell to an unknown buyer for double the money.

Executed on 03/30/2008 at 1030 hours.

Victor Esparza, Special Agent

U.S. Immigration and Customs Enforcement

On the basis of the facts presented in this probable cause statement consisting of three _3__ pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on 3/29/08, in violation of Title 21 United States Code, Section(s) 952 &

United States Magistrate Judge

Date/Time 3/30/08 12:40pm